

REMARKS

Claims 21-23, 25-27, 29-37, and 39-57 are pending. Claims 21, 23, 25-27, 29, 30, and 37 have been amended, claims 1-20, 24, 28, 38, 41, and 43 have been canceled, and new claims 50-57 have been added to recite additional features of the embodiments disclosed in the specification. Support for the new claims may be found at various places throughout the specification and drawings.

Reconsideration of the application is respectfully requested for the following reasons.

In the Office Action, claims 21-49 were rejected under 35 USC § 102(e) for being anticipated by the Hori patent. This rejection is traversed for the following reasons.

Claim 21 recites “transmitting the selected compressed digital data file from a first server to the receiver terminal” and “transmitting the selected compressed digital data file for storage in a second server different from the first server, if the receiver terminal is not in a state of being available for receiving the digital data file.” (Emphasis added)(See, for example, Figure 2 for support where the first server is shown by reference numeral 300 and the second server is shown by reference numeral 500). These features are not disclosed by the Hori patent.

The Hori patent discloses a system which allows one cellular phone to direct a server to send a music file (as a present) to another cellular phone. As shown in Figure 6, the server is actually formed from three servers: mail server 27, menu server 24, and download server 26. The mail server stores a list of music files and the download server performs the function of

transmitting a music file (selected from the list by a user – the gift giver - of the first cellular phone) to the second cellular phone. (See columns 19 and 20).

Before transmitting the music file, a determination is made as to whether there is sufficient memory space in the second cellular phone to store the music file. If there is insufficient space, a schedule management database is updated to leave a record. Thereafter, delivery is attempted and a notification is sent to the user of the second cellular phone.

The Hori system, therefore, does not transmit the music file when the second cellular phone is in a state where it is not available for receiving the music file. Rather, in this case, the Hori system leaves the music file stored in a database connected to download server 26. (See columns 15, 19, and 20). In contrast, claim 21 recites transmitting the selected compressed digital data file even when the receiver terminal is unavailable for receiving the file. Claim 21 further recites that the data file is transmitted to a “second server” different from the “first server” which transmitted the data file under these circumstances, i.e., when the receiver terminal is unavailable to receive the file.

The Hori patent therefore does not disclose all of the features of claim 21 and therefore does not anticipate this or any of its dependent claims.

Claim 27 recites that the recognition data and the corresponding compressed digital data are separately transmitted/received, and that “the recognition data includes a synchronization code informing transmission of a compressed digital data and a type, capacity and name of the data file.” The Hori patent does not disclose these features, i.e., the Hori system transmits a

notification to the second cellular phone that there exists a music file delivery. (See column 15). However, the Hori system does not transmits a synchronization code in its notification that informs the second cellular phone of the capacity of the music file in addition to its type and title as recited in claim 27.

Absent a disclosure of these features, it is respectfully submitted that the Hori patent does not anticipate claim 27 or any of its dependent claims.

Claim 30 recites “transmitting data for identifying the selected compressed data file to the receiver terminal” and that “the data for identifying and the selected compressed data file are separately transmitted.” As previously discussed, the Hori system transmits a notification to the user of the second cellular phone to inform him that a music file delivery exists. However, the notification does not specifically identify the music files as required claim 30. Moreover, Hori does not disclose transmitting an identification of a music file separate from the music file itself.

Absent a disclosure of these features, it is respectfully submitted that claim 30 and its dependent claims are allowable over the Hori patent.

Dependent claim 31 separately recites that the data for identifying includes a synchronization code informing transmission of the compressed data file and a type, capacity and name of the data file. The Hori patent does not disclose these features.

Dependent claim 32 recites “determining a transmission path based on a state of the receiver terminal.” The Hori patent does not disclose these features. The Hori patent only transmits a selected music file when it receives a request from the second cellular phone.

Otherwise, it leaves the music file stored in a database connected to download server 26. The Hori patent, therefore, does not disclose determining a transmission path based on a state of the receiver terminal, e.g., transmitting the file to a second server if the receiver terminal is in an unavailable state, and transmitting the file to the receiver terminal if the terminal is available.

Dependent claim 34 recites that “if the receiver terminal is in a state of not being available for receiving the data file, the compressed digital data file is stored in a server.” The Hori patent does not disclose these features.

Claim 37 recites that “the recognition data includes a synchronization code informing transmission of a compressed digital data file and a type, capacity and name of the data file.” As previously discussed, the Hori patent does not disclose these features. Absent a disclosure of these features, it is respectfully submitted that claim 37 and its dependent claims are allowable over the Hori patent.

Claim 41 recites “providing a partial part of the digital data file to be transmitted and reproducing the partial part of the received digital data file.” The Hori patent does not disclose these features. In the Hori system, download server 26 transmits a music file to the second cellular phone in response to a delivery request. Unlike claim 41, the music file transmitted by server 26 is delivered to the second cellular phone in its entirety. Hori does not disclose providing a partial part of its music file (e.g., a guide message (Audio)) for transmission and then reproducing the received partial part as recited in claim 41. See, for example, pages 16 and 17 of the specification for support.

Without a disclosure of these features, it is respectfully submitted that claim 41 and its dependent claims are allowable over the Hori patent.

Dependent claim 44 separately recites that “the partial part is ... a beginning part of the digital data.” The Hori patent does not disclose these features.

Claim 45 recites providing an input window for inputting information of a receiver terminal, wherein the input information being provided to the receiver terminal with information for identifying a source of the digital data file. The Hori patent does not disclose these features. Moreover, claim 45 recites that “a title name of the selected data file is separately transmitted with the selected digital data file.” Hori also does not disclose these features. Accordingly, it is submitted that claim 45 is allowable over Hori.

New claims 50-57 have been added to the application. Applicants respectfully submit that the Hori patent does not disclose the method defined in these claims.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and timely allowance of the application are respectfully requested.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

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